

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGANMann Drell Demeco Fuller #183011

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

**FILED - GR**

November 20, 2024 11:06 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: KB SCANNED BY: YB/11/20

v.

Andrew DinchartCharlie D. NollAndrew BucholtzWilliam GorniewiczAshley Badler

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

**1:24-cv-1239****Phillip J. Green****U.S. Magistrate Judge****COMPLAINT**

(Print Clearly)

**I. Previous Lawsuits**

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$405.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.  
\_\_\_\_\_
  2. Is the action still pending? Yes ☐ No ☐
    - a. If your answer was no, state precisely how the action was resolved: \_\_\_\_\_
  3. Did you appeal the decision? Yes ☐ No ☐
  4. Is the appeal still pending? Yes ☐ No ☐
    - a. If not pending, what was the decision on appeal? \_\_\_\_\_
  5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐
    - a. If so, explain: \_\_\_\_\_



## II. Parties

## A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Marn Drell Demeco Fuller 186011  
 Place of Present Confinement Ionia County Jail  
 Address 133 East Adams Street, Ionia MI 48846  
 Place of Confinement During Events Described in Complaint Ionia County Jail

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Andrew Dinehart  
 Position or Title Jail Administrator  
 Place of Employment Ionia County Jail  
 Address 133 East Adams Street, Ionia MI 48846  
 Official and/or personal capacity? Official

Name of Defendant #2 Charlie D. Noll  
 Position or Title Sheriff  
 Place of Employment Ionia County  
 Address 133 East Adams Street, Ionia MI 48846  
 Official and/or personal capacity? Official

Name of Defendant #3 Andrew A. Bucholtz  
 Position or Title Undersheriff  
 Place of Employment Ionia County  
 Address 133 East Adams Street, Ionia MI 48846  
 Official and/or personal capacity? \_\_\_\_\_

Name of Defendant #4 Ashley Baddler  
 Position or Title Ionia County Jail deputy/Law library coordinator  
 Place of Employment Ionia County Jail  
 Address 133 East Adams Street, Ionia MI 48846  
 Official and/or personal capacity? Official

Name of Defendant #5 Willow Gorniewicz  
 Position or Title Ionia County Jail sergeant  
 Place of Employment Ionia County Jail  
 Address 133 East Adams Street, Ionia MI 48846  
 Official and/or personal capacity? Official



### III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

On 7/5/24 I was booked into Ionia county jail and was later charged with "Possession of Meth." On 7/14/24 I sent a Kite via Ionia county jail Kiosk (case no. 57736) requesting access to the law library so I can help my court appointed attorney with my case. On 7/14/24 at 9:58pm Ionia county jail (ICJ) responded, "You can use the law library on the tablet now." On 7/22/24 at 11:43am I notified ICJ via Kite system that law library is not available on the tablet, that it states the jail have not selected a provider yet. Then on 7/23/24 at 12:02pm I got a response denying me access to the law library because I have a public defender. On 7/23/24 at 4:39pm I wrote a grievance via Kite system (case no. 58106) and stated, "I applied for law library and was denied. Nowhere in the law does it states if I have a lawyer, public defender, or attorney I forfeit my right to use a law library. As a resolution, I would like to use the law library." On 7/23/24 at 10:21pm ICJ responded, "It was explained to you that you have a court appointed attorney. If you have any questions regarding your criminal case your best resource is your lawyer. What is it that you are requesting from the law library?" On 7/24/24 at 9:50am I responded, "I am requesting law library to view definitions, similar cases, lesser included offenses for my charge, and knowledge of the law so I won't be ignorant to the law. My public defender assigned to me has a case load, meaning I am not the only non-paying client. So he do not have the time to sit and answer every single call, question, and Kite I send him. I am entitled to use the law library to help myself out with my defense. I have the right to know the law and not just to depend on someone the same county that's charging me gave me." On 7/24/24 at 8:57pm ICJ responded, "You are not eligible for the law library because you have an appointed attorney to represent you." On 7/24/24 at 10:36pm I responded, "It is against the law to deny my right to a law library. Are you telling me I am being denied access to the law library." On 7/25/24



at 12:22 am ICS responded, "I'm telling you that you are represented by an attorney that is there to prepare your defense and you don't qualify for law library. Please refer to slide 51 in the inmate rules that explains law library policy".

As referred to in the previous responses from ICS, I kited my court appointed attorney multiple times via Kite system for ICS. On 7/24/24 at 10:41 pm and it stated, "2 Josh Franklin. Can you please send me the MCR or MCL for MDOC parolees who catch a felony. This MCR or MCL ends with 131 and 133. This MCR MCL is a 180 day notice that gets sent out by certified mail to me to the prosecutor and the judge. I think its MCR 785.131 but its in the section about parolees, I recieved this notice when I caught my last case. I need this paperwork ASAP." I did not receive a response. That's Kite case no. 58160. I also kited two more times, once on 7/27/24 at 10:48 am case no. 58235 and that Kite stated, "ATTN..... Joshua Franklin.... I need to have a lengthy talk with you regarding a defense for my case. I will also need to know the lesser included charges for my current charge, the elements, definitions and a couple related cases please and thank you." And one last time on 7/30/24 at 11:20 am case no. 58331 and it stated, "ATTN..... Joshua Franklin..... Are you going to come see me before court so we can discuss a defense like I requested". My court appointed attorney never responded to any Kites.

I even took the initiative of Kiting the assistant of my court appointed lawyer office on 7/25/24 at 10:54 pm



via ICS Kite system, case no. 58204 and it stated "ATTN..... Alyssa Nuremburg.... I am Mr. Franklin client and I was told to kite him for any legal information and they are denying me law library. Can you please send me the following documents.... MCL 780.131 MCL 780.133 and all the lesser included charges and definitions and elements for them, for the charge of possession of meth. Thank you very much for your time and I highly appreciate it. Have a blessed day." I never got a response from neither of them.

All of these facts of statements can be found on Ionia county jail electrical Kite system using the case no. I have previously stated. I also Kited for a copy of the grievances and responses to the grievances and I was told that I have to wait till I'm released to obtain them to FOIA.

Officer Ashley Budder is involved because she controls who can and can not go to the law library. She is the one who the law library kite goes to.

Sgt. Willa Gorniewicz is involved because she oversees the grievances and I also had a personal conversation with her about this.

Jail Administrator Andrew Dinehart is involved because after my grievance was appealed it suppose to go to him for further investigation. Also he's the one who sets the rules and policies for Ionia county jail.



Andrew A. Bucholtz is also involved because he is the undersheriff for Ionia county and he also have a big part in setting rules and policies for the jail.

Charlie D. Noll is also directly involved because any appealed grievance, new rule or policy should come across his desk due to him being the head protector of this county. The denial of the right to a law library was approved by him and the Undersheriff.

The actions of Ionia county jail, denying me access to the law library and legal information, caused a lot of pain due to sentimental moments that cannot be replaced such as the birth of my first child and more time of my life being taken away from me. It also caused me to lose my job after I struggled to find a fair paying job after 12 years of incarceration in the MDOC. This time takes away work experience and skills I would have developed in society after being behind bars since I was 17 years old, me now being 30, with no stable job under my belt, (on my resumé) is likely to have employers move forward without me.

Since I've been incarcerated I have had a mental breakdown to where I had to be placed on suicide watch from 9/27/24 to 10/07/24. I also caught another charge while being held at



this county jail. I've experienced racism at the highest level here. I even wrote grievances about a deputy sexually harassing me. I stated in one of my grievances that I feel "unsafe" and "I think they're trying to kill me".

All of this is a result of me being deprived of law library and legal materials. Had I had access to law library while I was fighting my case, I would've been able to prepare a defense for my case and been able to bond out so I wouldn't have experienced all these traumatizing situations. Also all the money, spent on the phones, jail tablets, and packages.

It's already hard for me to adapt to society as it is, now I'm getting put through the same trauma. Ionia county jail administration has to be held accountable for this.



## IV. Relief

State briefly and precisely what you want the court to do for you.

I would like for the courts to order the Ionia county jail to pay me for pain and suffering the amount of \$400,000.00 (four hundred thousand U.S. dollars). I also would like for an investigation of the Ionia county jail and its policies.

## V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☐ I request that this case be assigned to a district judge.

11/15/24  
Date

  
Signature of Plaintiff

**NOTICE TO PLAINTIFF(S)**

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.



Mann'Drell Fuller #186011

Ionia County Jail

133 E Adams St.

Ionia, MI 48846

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FROM THE IONIA COUNTY  
CORRECTIONAL CENTER

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US District Court  
399 Federal Building  
110 Michigan St., NW  
Grand Rapids, MI  
49503